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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF FEBRUARY 6, CORRESPONDENCE RELATING TO THE CONDUCT OF COMMANDER REITER, IN CONNECTION WITH THE KILLING OF GENERAL BARRUNDIA.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1891.

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51ST CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 50.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In response to resolution of February 6, correspondence relating to the conduct of Commander Reiter, in connection with the killing of General Barrundia.

FEBRUARY 10, 1891.—Read, referred to the Committee on Naval Affairs, and ordered to be printed.

To the Senate:

I transmit herewith the correspondence called for by the resolution of the Senate of the 6th instant, relating to the conduct of Commander Reiter, in connection with the arrest and killing of General Barrundia.

BENJ. HARRISON.

EXECUTIVE MANSION, *February* 10, 1891.

NAVY DEPARTMENT,
Washington, February 10, 1891.

The PRESIDENT:

SIR: I have the honor to submit herewith the correspondence called for by the resolution of the Senate of the 6th instant referred to this Department, requesting the President, "if not inconsistent with the public interests, to transmit to the Senate the correspondence in reference to the conduct of the senior naval officer present at San José de Guatemala on the occasion of the arrest and killing of General Barrundia, and the action of the Navy Department thereon."

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

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No. 1.—*Commander Reiter to Chief of Bureau of Navigation.*

U. S. S. RANGER,
San José de Guatemala, August 28, 1890.

SIR: I have the honor to report that the diplomatic corps at Guatemala having decided upon a basis for peace which it was supposed would be acceptable to the Governments of Guatemala and Salvador, and it being necessary that Señor Galindo, the envoy from Salvador, should convey to his Government this agreement, and that an answer be received before 6 p. m., 23d instant, at the request of United States Minister Mizner, there being no public conveyance available, I consented to send Señor Galindo to Acajutla in the *Thetis*, and to bring back from there a commissioner within the time specified.

Señor Galindo left here on the *Thetis* on the evening of the 18th instant and was landed in Acajutla on the following morning, after which the *Thetis* proceeded to La Union and Amapala.

I went ashore on the evening of the 18th instant to meet Señor Galindo and take him on board the *Thetis*, when I found that his baggage had been seized and overhauled, and that the commandant had given orders that he should not be permitted to embark. On inquiry I found that Señor Galindo was provided with a passport from the Guatemalan Government which, on the arrival of the train at San José, was presented to a sentry and by him taken away.

I immediately sent the United States consular agent to inform the commandant of this fact, when he gave orders for the release of the baggage and permitted Señor Galindo to embark.

In consequence of this I proceeded to the city of Guatemala the following morning, related the circumstances to the United States minister, and requested him to accompany me to the minister of foreign relations of Guatemala, to inform him of this action on the part of the commandant at San José, and that I would not go to Acajutla without the guaranty of the Guatemalan Government that anyone whom I might bring back as envoy from Salvador should be courteously received and not molested in any way; which guaranty was immediately given.

On the night of the 19th instant I proceeded to Acajutla, and sailed from there on the morning of the 22d instant, but without any envoy or commissioner. Señor Galindo, who came on board, handed me dispatches for the United States minister, which I received and delivered to him at 10:30 a. m., 23d instant, having arrived at San José at 4:30 a. m. and taken a special train from San José for the capital at 6 a. m.

The diplomatic corps was immediately convened to consider the terms submitted by Salvador, and at about 2 p. m. the United States minister informed me that, in the opinion of the entire diplomatic corps, except himself, the Government of Guatemala should not be informed of the answer of Salvador, on the ground that it would give the Government of Guatemala an unfair advantage, there being a tacit understanding of an armistice until 6 p. m. of that day.

The United States minister then submitted to me the original basis of agreement and the reply of Salvador, and requested my opinion in

the matter. I informed him that as the armistice was to cease at 6 p. m., I did not think there could be any advantage on either side, as prudent commanders would be prepared for active operations at its expiration, and that the Government of Guatemala should be informed at once and given the opportunity to accept or decline the terms submitted by Salvador.

This was done, an armistice was agreed upon until the evening of the 27th instant, and it was decided that the ministers of the United States, Spain, Costa Rica, and Nicaragua should go to Acajutla to confer with the Provisional President, Ezeta, on the 25th instant.

At the request of the United States minister I conveyed these ministers to Acajutla, whence, after a day's conference with Provisional President Ezeta, I returned with them to this port, San José, arriving at 8 a. m., 26th instant.

The minister proceeded by special train, at 9 a. m., to the city of Guatemala, and on the 27th I received the following telegram from United States Minister Mizner:

Peace basis accepted and signed by both nations. Belligerents notified, and notice acknowledged. Armies to retire in 2 days.

Referring to the last paragraph of my letter of the 14th instant, I have to report that on the 17th instant a demand for the immediate return of arms and ammunition taken from the Pacific Mail Steamship *Colima* was made by the United States minister.

During my conversation with the United States minister on the 19th instant, heretofore referred to, he informed me that in reply to his demand for the return of the arms he had received a letter from the minister of foreign relations of Guatemala, requesting a personal interview at 1 p. m., 20th instant, and asked my opinion.

I told him that as no reply had been received to several requests for the return of the arms, and as he had made a peremptory demand for their immediate return, I thought he should decline this personal interview and inform the minister of foreign relations that he desired a written reply to his last communication on the subject.

When about leaving the minister of foreign relations after our interview in regard to the Salvadorian envoy, he referred to his letter to the United States minister, asking if it had been received. Mr. Mizner replied that it had, but that he must decline a personal interview on the subject. The minister of foreign relations then expressed the greatest regret at the seizure and for the discourtesy of his predecessor in not replying to the minister's communications, and his willingness to return the arms at once.

The United States minister thereupon consented to a personal interview the next day, for final arrangements for return of the arms.

The arms are now at San José ready for shipment on the next steamer bound north on the 30th instant.

At about 6:30 p. m., yesterday, 27th instant, I received the following telegram from United States Minister Mizner:

General Barrundia is on the *Acapulco*. Gautemala alleges that he is hostile, and, being in their waters, they can arrest him. I think that they have the right.

As the *Acapulco* was at this time reported in sight, I immediately went on shore and sent the following telegram to the United States minister:

Barrundia expected in steamer. As peace is declared I suggest that you ask Government to permit *Thetis* to take him to Acapulco, we acknowledging their municipal rights over steamer. Steamer *Acapulco* in sight.

I also requested the commandant to suspend action until I received a reply to this telegram, which he declined to do, but went on board the steamer and returned without attempting the arrest of Barrundia.

This morning at 9:30 I received the following telegram from United States Minister Mizner:

This Government declines offer to take Barrundia away in *Thetis*. Have advised Captain Pitts to deliver him.

At about 2 p. m. it was thought that a number of shots were heard on board the *Acapulco*, and at 2:15 the Guatemalan flag was hauled down from the fore and the United States flag hoisted in its stead, when I supposed the United States minister was on board. But at 2:30, when the whaleboat came alongside with Lieutenants Bartlett and Halsey, who had been visiting the *Acapulco*, Lieutenant Bartlett reported to me that the commandant was on board, and that promiscuous firing had been going on on board the ship, and that they desired protection, the United States flag at the fore having been hoisted to signify that desire. I immediately left the ship in the gig to go alongside the *Acapulco* and ordered Lieutenant Harris to follow me at once with an armed party of marines in the whaleboat. On my arrival on the *Acapulco* I found all quiet and no necessity for any protection, so that on arrival of Lieutenant Harris, a few moments afterwards, I directed him to return to the *Ranger*.

The following is, as near as I could determine from the statements of Captain Pitts and First Officer Brown, of the *Acapulco*, the correct account of what occurred on board.

The commandant came alongside with two boats, and on board the *Acapulco* with three or four detectives. Captain Pitts asked him if he had a letter for him. He replied that he had, and delivered it to him. They then went to the captain's room, where the letter was opened and read. It was from United States Minister Mizner, informing Captain Pitts that if he were within the marine league of the shores of Guatemala, and General Barrundia were on board, it was his duty, under the law of nations, to surrender him upon proper demand.

Captain Pitts took the precaution to send his first officer to notify the cabin passengers to go below into the dining saloon, and the steerage passengers to keep forward.

He then went with the commandant to the stateroom on the hurricane deck, occupied by General Barrundia, where they found him standing up smoking a cigarette. They remained outside, one standing on either side of the door.

The captain informed General Barrundia of the letter received from the United States minister, and that he could not extend him any further protection. The commandant then had some conversation with General Barrundia in Spanish. General Barrundia then said "Bueno," and immediately reached for a revolver, which was concealed under a mattress in the upper bunk, and fired two or three shots through the doorway between them. The captain and the commandant beat a hasty retreat aft, taking refuge in an unoccupied stateroom.

They were followed by Barrundia, firing wildly. He stopped and fired several shots into the stateroom where the captain and the commandant were concealed.

He then apparently ran forward and crossed through the "social hall" to the starboard side, where he fired forward and aft, then crossed to the port side again and started forward, when he fell.

The detectives, as near as I could determine, ran out of the "Social Hall" and forward when Barrundia first commenced firing, but some time during the melee returned and began discharging their revolvers at him. It was impossible to ascertain definitely any details of the occurrence after this, but General Barrundia died where he fell, having been pierced by several bullets.

His body was taken on shore by the commandant.

The *Thetis* returned to this port yesterday morning, the 27th instant, and Lieutenant-Commander Stockton reports everything quiet at La Libertad, La Union, and Amapala.

The health of officers and crew of the *Ranger* and *Thetis* is very good.

I am, sir, very respectfully,

GEO. C. REITER,
Lieutenant-Commander U. S. N., Commanding.

Commodore F. M. RAMSAY, U. S. N.,
Chief of Bureau of Navigation,
Navy Department, Washington D. C.

No. 2.—The Secretary of the Navy to Commander Reiter.

NAVY DEPARTMENT,
Washington, September 29, 1890.

SIR: On the reporting of your relief, Commander George E. Wingate, you will regard yourself detached from the command of the *Ranger*, proceed home, and on your arrival report by letter to the Department and also inform it of the date of your detachment in obedience to this order.

Respectfully,

B. F. TRACY,
Secretary of the Navy.

Lieut. Commander GEORGE C. REITER,
Commanding U. S. S. Ranger,
San José de Guatemala.

No. 3.—Commander Reiter to Chief of the Bureau of Navigation.

PITTSBURGH, PA., *November* 25, 1890.

SIR: I have the honor to report my arrival home, having been relieved by Commander Wingate and detached from command of the *Ranger* at Corinto on the 6th instant.

My address will be 57 Fourth avenue, Pittsburgh, Pa.

Respectfully,

GEO. C. REITER,
Lieutenant-Commander, U. S. Navy.

Commodore F. M. RAMSAY, U. S. N.,
Chief of Bureau of Navigation.

No. 4.—*Commander Reiter to the Secretary of the Navy.*

PITTSBURGH, PA., *December* 8, 1890.

SIR: As I was relieved from command of the *Ranger* after but 1 year's service and have been informed that the Associated Press dispatches from Washington, in announcing my recall, stated that it was on account of dissatisfaction of the Navy Department with my conduct in connection with the Barrundia affair, and in view of the fact that I have had no communication from the Department since my arrival home on the 25th of November, I fear that the Department does not approve of my action while in command of the *Ranger* on the coast of Central America.

I therefore respectfully request to be informed if such is the case, and, if so, that I may be afforded an opportunity to explain my action to you personally or before a court of inquiry.

Referring to the press reports that I had refused protection on the occasion referred to I beg to state that the report is not correct and that I was not called upon for advice or intervention in any way.

Respectfully,

GEO. C. REITER,
Commander, U. S. Navy.

Hon. B. F. TRACY,
Secretary of the Navy.

No. 5.—*The Secretary of the Navy to Commander Reiter.*

NAVY DEPARTMENT,
Washington, December 12, 1890.

SIR: Your letter of the 25th ultimo, reporting your arrival home, having been detached from command of the U. S. S. *Ranger* at Corinto, on the 6th of November last, has been received, and you will regard yourself as waiting orders from the date of your reaching home.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Commander GEORGE C. REITER, U. S. N.,
Pittsburgh, Pa.

No. 6.—*The Secretary of the Navy to Commander Reiter.*

NAVY DEPARTMENT,
Washington, December 12, 1890.

SIR: In reply to your letter of the 8th instant, you are informed that the Department was dissatisfied with your course while in command of the U. S. S. *Ranger* on the coast of Central America. You are authorized to visit the Department and to make, personally, such explanation in regard to your actions as you may desire.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Commander GEORGE C. REITER, U. S. N.,
Pittsburgh, Pa.

No. 7.—The Acting Secretary of the Navy to Commander Reiter.

NAVY DEPARTMENT,
Washington, December 18, 1890.

SIR: Referring to your report of August 28 last, concerning the death of General Barrundia, and the events connected therewith, the Department desires to receive as early as practicable the additional report you were verbally directed to make concerning your visit to the *Acapulco*, in which you will add any other facts connected with the affair not yet reported by you.

Very respectfully,

J. R. SOLEY,
Acting Secretary of the Navy.

Commander GEORGE C. REITER, U. S. N,
Pittsburgh, Pa.

No. 8.—Commander Reiter to the Secretary of the Navy.

PITTSBURGH, PA., *December* 20, 1890.

SIR: In obedience to your order of the 18th instant I have the honor to submit the following additional report concerning the death of General Barrundia and my visit to the *Acapulco* on the 28th August last.

On the receipt of the following telegram from the United States minister: "This Government declines offer to take Barrundia away in *Thetis*. Have advised Captain Pitts to deliver him," at about 9:30 a. m., September 28, I went on board the *Acapulco* to see Captain Pitts. I told him about the above telegram and asked him if he had heard from the minister. He said he had not, and that he would not surrender Barrundia without an order from the minister or myself. I told him I certainly would not give him any such order. Captain Pitts asked me on what grounds they claimed the right to arrest Barrundia, and stated that all the dispatches he had received from the United States minister said he thought that they had a right to arrest him; that he (Pitts) thought he should be more positive; that he had put himself under his (the minister's) orders, and that he expected to hear from him when the train arrived. I told him that I did not know, but I supposed the minister knew what he was about; that I was not subject to the orders of the United States minister, and if I were called upon it would be my duty to satisfy myself that the Government of Guatemala had a right to make the arrest.

Captain Pitts told me that the commandant had said he was going to ask me to send a guard on board when he made the arrest, to which I replied that I would not send a guard on board at the request of the commandant. He then said, "Suppose the commandant and I both ask you?" I said, "When you ask me I will give you a reply." Captain Pitts told me that Barrundia was going to New York via Panama and that he would guaranty to carry him to Panama, putting him in irons if necessary to prevent his landing in Salvador. Just before leaving, I asked to see Barrundia. Captain Pitts told me that Barrundia was in his stateroom and did not see anybody.

Respectfully, your obedient servant,

GEO. C. REITER,
Commander, U. S. Navy.

Hon. B. F. TRACY,
Secretary of the Navy.

No. 9.—*The Secretary of the Navy to Commander Reiter.*

DECEMBER 31, 1890.

SIR: Upon the receipt of your report of the 28th of August last, detailing the events connected with the shooting of General Barrundia, the Department, by an order of September 29, relieved you of your command.

In an interview on the 15th of December a further statement was made by you verbally, which, in accordance with the Department's directions, you embodied in a written report dated December 20.

The present communication is addressed to you in order that you may be fully acquainted with the grounds of the Department's action.

Your reports show that on the 27th of August last you were lying with the *Ranger* and the *Thetis* off San José, a seaport of Guatemala, which has no harbor, properly speaking, but only an open roadstead. The *Acapulco*, an American passenger steamer, making regular trips from San Francisco to Panama, stopping at intermediate points in Mexico, Guatemala, and Salvador, including San José, was expected to arrive shortly, and actually did arrive towards the close of the day. At 6:30 p. m. of that day, the *Acapulco* being then in sight, but not yet having reached her anchorage, you received an intimation of the purposes of the Guatemalan Government from the United States minister, who informed you that the steamer had on board a passenger, General Barrundia, whom the territorial government regarded as a political enemy and as liable to arrest upon entering their waters.

It does not appear that under these circumstances you took any steps to communicate with the steamer to inform yourself more fully of the facts or to warn the captain of the risk his passenger was about to encounter. Instead of this, upon the receipt of the information contained in the minister's telegram, you went on shore and telegraphed to the latter a suggestion that he should ask the Guatemalan Government to permit the *Thetis* to take General Barrundia back to Acapulco, from which place he had come. While you were thus occupied the steamer arrived in the port and came to anchor.

While on shore you requested the local Guatemalan officer to suspend action until you had received a reply to your telegram, which request he refused to comply with, going on board the steamer and returning without, however, attempting at this time to make any arrest. You did not accompany the Guatemalan officer on his visit, nor did you go on board the *Acapulco* or have any communication with her captain, either then or during the whole of the night.

At 9:30 a. m. on the following day you received a second telegram from the United States Minister, stating that the Guatemalan Government declined your offer to take General Barrundia away in the *Thetis*. Your first report does not state that you had any interview with Captain Pitts during this morning, but, from your verbal statement made on the 15th instant and from your second report it appears that you went on board the *Acapulco* soon after receiving this second telegram and held an inconclusive conference with Captain Pitts. Although, according to your report, "at about 2 p. m. it was thought that a number of shots were heard on board the *Acapulco*," your next appearance on the vessel was not until 2:30 p. m., after the death of General Barrundia, when Lieutenant Bartlett, who had been visiting the steamer, reported that firing had been taking place on board and that protection was desired.

In the opinion of the Department your conduct, upon your own showing, is deserving of unqualified censure.

In your situation, in command of a force of public vessels of the United States, in a territory which, if not at that moment at war, had recently been the scene of hostilities, as well as of civil disturbance, it was your duty to watch with the most active solicitude over the interests of your country in that quarter, and especially its interests afloat. From the moment that the approach of the *Acapulco*, a steamer bearing the American flag, was known to you, you should have taken every step legally in your power to give countenance and support to her captain, and protection to all persons on board, especially when you knew that their safety was likely to be menaced. Instead of this, in your apparent endeavor to escape responsibility, you remained so completely passive that, as far as events on board the *Acapulco* were concerned, you and and your vessels might as well have been on the other side of the ocean.

Whenever any passenger, whether American or foreigner, is received on board an American vessel, he comes under the American flag, and is entitled to the protection and security of which that flag is the guaranty. At sea this inviolability has in time of peace no exception or qualification. In foreign ports it is qualified only by the legal exercise of the territorial authority. Whatever may have been the extent of this authority over a vessel anchored within the port, the American steamer, before she entered the port, and after she left it, was as independent of such authority as your own ship, or as the soil of your own country. It was within your legitimate power, as it was your imperative duty, to execute, by every means legally at your command, the guaranty of protection which the United States gives to all vessels under its flag. Your ships were on the spot; you had full knowledge of General Barrundia's approach; you were informed of the intention to seize him as a political offender. He was not a fugitive from the territory of Guatemala seeking to escape from the territorial jurisdiction. Neither was he a conspirator attempting to return to his country to foment revolution. He was a passenger on board an American ship, which he had joined in Mexico, with a destination for Panama; and he had thus, without your intervention, and outside of the local jurisdiction, obtained a place under the flag and protection of the United States. In this situation you found him. His safety was threatened.

Under these circumstances it was your plain duty to proceed at once to meet the steamer, before she cast anchor in the port, to warn the captain of the danger and to offer to his passenger, should he desire it, an asylum on board your ship. Had you merely gone out to inform yourself personally of the facts you would have learned that General Barrundia had taken passage from a port outside of Guatemala; that he was proceeding likewise to a port outside of Guatemala; that he was at San José only because it lay in the route of the steamer, and that, so far from meditating a movement against Guatemalan sovereignty, he had no intention of entering, voluntarily, the Guatemalan territory. Had you learned these facts, of which you would undoubtedly have been apprised immediately upon reaching the steamer, it is impossible to suppose that you would have failed to offer the fugitive an asylum. Such an act could have violated no rights of the territorial government, for no rights over the person of the passenger would have yet vested, while it would have maintained the implied promise of protection which the United States makes to all who, in good faith, embark under its flag. By remaining inactive you neglected your obvious

duties and placed your Government in the position of renouncing those who had sheltered themselves under its flag.

Even after the arrival of the *Acapulco* in the port, your power of discretionary action was by no means taken away. There were, in particular, three points in which the existing situation imposed upon you, as the senior naval officer present, a positive duty, namely:

1. To make a full investigation of the facts, to ascertain the sufficiency of the charge and of the authority upon which the proposed removal of the passenger was based.

2. To prevent by your presence, with such assistance as you might find necessary, any proceedings on board the steamer calculated to endanger the safety of those on board.

3. If, upon examination, it appeared that a seizure was to be attempted without proper warrant, or that the proceedings were merely in the nature of a pretext to secure the person of a political fugitive, to offer him, in accordance with humane and well-established practice in the case of refugees whose lives are in danger, the hospitality of your own vessel.

In none of these particulars does it appear that you took any action. You stated to Captain Pitts, according to your second report:

> *If I were called upon*, it would be my duty to satisfy myself that the Government of Guatemala had a right to make the arrest.

To Captain Pitts's question whether you would send a guard on board the *Acapulco*, at the joint request of himself and the commandante, you made this extraordinary answer: "When you ask me I will give you a reply." In both these cases it is evident that you proposed to do nothing unless somebody preferred a formal request or demand for your interposition; forgetting that in the circumstances then existing the most pressing demand for your intervention came from the situation itself, and that it was your duty to act promptly and efficaciously, without waiting for the invitation, request, or advice of any person whatever.

That it was your deliberate intention to remain inactive, in the absence of formal applications, is further evidenced by your extraordinary delay in proceeding on board the steamer on the afternoon of the 28th of August, when the sound of firing showed to you that an affray was taking place. Your first report says:

> At about 2 p. m. it was thought that a number of shots were heard on board the *Acapulco*, and at 2:15 the Gautemalan flag was hauled down from the fore and the United States flag hoisted in its stead, when I supposed the United States minister was on board. But at 2:30, when the whaleboat came alongside, with Lieutenants Bartlett and Haisey, who had been visiting the *Acapulco*, Lieutenant Bartlett reported to me that the commandant was on board and that promiscuous firing had been going on on board the ship, and that they desired protection, the United States flag at the fore having been hoisted to signify that desire. I immediately left the ship in the gig to go alongside the *Acapulco* and ordered Lieutenant Harris to follow me at once with an armed party of marines in the whaleboat. On my arrival on the *Acapulco* I found all quiet and no necessity for any protection, so that on arrival of Lieutenant Harris a few moments afterwards I directed him to return to the *Ranger*.

It is believed that few cases have ever occurred in the history of the U. S. Navy where a commanding officer so completely abandoned the responsibilities of his position as, according to your own showing, you did upon this critical occasion. Fully aware, as you were on that afternoon, of the probable course of events, it does not appear that you took any steps to learn when and with what warrant of authority the local officials were coming on board; and if you had actual knowledge of their arrival, the fact, apparently, gave you no concern and in no

way influenced your conduct. Even when you heard the fatal shots, which showed only too plainly what was taking place, you made no movement, but with a degree of apathy almost unparalleled you waited for half an hour, until a formal request came for protection.

Under these circumstances it is not surprising that, upon your arrival on the steamer, you found, as you state in your letter of that date to Mr. Mizner, that "the commandant had left with the body of Barrundia and that all was quiet."

It would seem that you had from the beginning some intention, as indicated in your telegram to the United States minister, of receiving General Barrundia on board one of your ships, under the supposition, which turned out to be only too well-founded, that he would need your protection. But upon what principle you submitted this as a question for the territorial government to decide, delaying 15 critical hours, until you could receive an answer, the Department is at a loss to comprehend. A United States officer does not ask of a foreign government permission to offer asylum to any person on board an American vessel at sea who stands in need of a refuge. An officer who so abdicates his authority and that of the nation he represents and surrenders it to others has a lesson to learn before he can safely be intrusted with the command of a ship of war.

It is possible that in adopting this line of conduct you were to some extent influenced by the dispatch of the United States minister quoted in your letter. The Department fails to find in this dispatch any justification for your inaction. Even if the minister had distinctly advised you to remain a passive spectator, which was not the case, your responsibility, as the officer in command afloat, could not thereby be either increased or diminished; and least of all on the open sea outside of the territory in which the minister was clothed with the representative character. In the performance of his duties under the law the responsibility of a naval officer is complete, nor can anything but the orders of his superior shift the burden to another.

That this familiar principle governing the relations of envoys and naval commanders was well understood by you is shown clearly by your answer to Captain Pitts's inquiry as to the grounds of the minister's opinion, quoted in your second report, as follows:

> I told him that I did not know, but I supposed the minister knew what he was about; that I was not subject to the orders of the United States minister, and that if I were called upon it would be my duty to satisfy myself that the Government of Guatemala had a right to make the arrest.

For the reasons herein stated, the Department has been constrained to relieve you of your command, and to order your return to the United States.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Commander GEORGE C. REITER, U. S. N.,
Pittsburgh, Pa.

No. 10.—*Commander Reiter to the Secretary of the Navy.*

PITTSBURGH, PA., *January* 8, 1891.

SIR: I have to acknowledge the receipt of the Department's letter of the 31st December, 1890. This letter was mailed in Washington, D.

C., on the 6th day of January and was received by me on the 7th. It was foreshadowed by the press of the United States on January 1 and 2, and an extract from it containing the most severe censure of the Department appears in the press of the country to-day. The letter thus becomes to the general public, unfamiliar with the true facts of the case, a severe "public reprimand" to me, a punishment which can only be legally inflicted by sentence of a naval general court-martial.

I was detached from command of the *Ranger* by the Department's order of the 29th September, 1890, and this letter is the first written statement of the grounds of the Department's action. Extracts from it having been given to the press for publication before I could possibly reply to it. I now content myself by simply declaring that when in command of the *Ranger*, on the occasion in question, I was in no way culpable, but discharged my whole duty; that I had no desire nor did I endeavor to escape any responsibility attaching to my position and I do not now fear the most searching inquiry in regard to my action.

As I regard your letter as unjust, undeserved, and unwarranted I have to respectfully demand what is clearly my right, namely, a trial before a naval court.

Respectfully,

GEO. C. REITER,
Commander U. S. Navy.

Hon. B. F. TRACY,
Secretary of the Navy.

No. 11.—*The Secretary of the Navy to Commander Reiter.*

NAVY DEPARTMENT,
Washington, January 14, 1891.

SIR: Your letter of the 8th instant asking for a trial by court-martial has been received.

You state that the Department's action in your case constitutes a public reprimand, and that this is a punishment that can only be legally inflicted by sentence of a naval general court-martial. Your statement shows that you are ignorant of the first principles of naval discipline. The assumption that the Secretary of the Navy can not pronounce a rebuke, public or private, upon an officer for a breach of discipline, or a failure in the performance of duty, without obtaining the sanction of a court, is an unheard-of proposition. The Department impartially awards praise or blame to the officer who deserves the one or the other as occasion may arise, and the practice is as old as the Department itself. Cases have occurred where the Department, without trial, has pronounced emphatic reprimand upon officers in general orders. The publicity that is given either to its commendation or its reproof is a matter within its own discretion, in the exercise of which it consults only the public interest.

You further state that a trial by court-martial is clearly your right. Your attention is called to Section 121, Orders, Regulations and Instructions for the Administration of Law and Justice in the Navy, 1870, as follows:

No officer has the right to demand a court-martial on himself or others, the granting of a trial resting solely in the discretion of the officer authorized to convene a court.

The question is also raised by implication in your letter whether the Department has committed an act of injustice in censuring you without an opportunity to be heard. You were detached from the command of the *Ranger* by an order of September 29. The Department's action in detaching you was in the exercise of its ordinary power of assigning the duties of officers according to the best interests of the service, and it deemed that these interests called for your detachment. After your return on November 25, you wrote to the Department on December 8, stating that you feared that it did not approve of your action, and asking that you might be afforded an opportunity to explain it to the Secretary personally, or before a court of inquiry. On the 12th the Department replied as follows:

> You are informed that the Department was dissatisfied with your course while in command of the U. S. S. *Ranger* on the coast of Central America, and you are authorized to visit the Department and to make personally such explanation in regard to your actions as you may desire.

On the 15th of December, in consequence of the above-mentioned correspondence, and for the purpose stated in your letter of request, namely, that you might be enabled to make a personal explanation, you had a personal interview with the Secretary of the Navy. At this interview you were given the fullest opportunity to make any statement that you desired bearing on the facts of the case. You were also distinctly informed of the general grounds of the Department's dissatisfaction. At the conclusion of the interview you were not only authorized but directed to embody your statements in an additional report.

No communication being received from you, the Department, on the 18th, wrote you a letter calling for your supplementary report and directing you to include in it any facts not yet reported by you. This report, dated December 20, was received on the 23d, and upon the 31st the Department addressed to you its full and final review of the case.

Although you were informed on the 12th of December of the Department's dissatisfaction, and on the 15th of the grounds on which its dissatisfaction was based, you made no request for a court-martial until your letter of the 8th of January, after the Department had pronounced finally upon the case.

The Department had, however, without any request from you, already considered fully the question of bringing you to trial. Such a trial is necessary when the facts of a case can not be otherwise definitely ascertained or when the penalty which the circumstances demand is beyond the scope of ordinary Departmental powers. Neither of these reasons existed here, because the Department accepted and acted upon your own statement of the facts; and its disciplinary powers were sufficient to meet the case. The only object of a trial, in this case, would have been to obtain an expression of the law applicable to the admitted facts and a definition of the duties of an officer in relation thereto, which expression and definition, under the well-established principles governing the administration of naval discipline, as shown by numberless precedents, the Department is of itself entirely competent to declare. In determining questions of law arising upon undisputed facts the Department does not require the assistance of a court-martial.

Since this conclusion was reached the Department has seen no reason to modify it. It has listened with patience to your successive statements. It has given you every opportunity to be heard before taking action. It indicated to you the grounds of its disapproval before you sent in your final report. In visiting upon you its censure it has relied solely upon your own statement of the facts. In its communica-

tion of the 31st, condemning your conduct, it recited these facts, and your letter asking for a trial leaves them undisputed.

You are therefore informed that it is not the intention of the Department to bring you to a trial by court-martial and that it regards your case as having been finally disposed of.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Commander GEORGE C. REITER, U. S. N.,
Pittsburgh, Pa.

PITTSBURGH, PA., *January* 20, 1891.

SIR: I have to acknowledge the receipt of the Department's letter of the 14th instant, informing me of its action on my demand for trial by court-martial.

Respectfully,

GEO. C. REITER,
Commander U. S. Navy.

Hon. B. F. TRACY,
Secretary of the Navy.

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